

Indiana Department of Natural Resources
Coastal Grants Program

Definition of Public Benefit

According to the Coastal Zone Management Act Section 306A Guidance, projects provide a public benefit if they meet the following:

1. Restoration or construction projects must be on publicly owned land, or land for which an easement is obtained.
2. Leases or easements should be in perpetuity. However, a lease or easement shall at a minimum be for the expected life of the project or 20 years, whichever is longer. If the property is no longer used for its original purpose, then the grant recipient may have to reimburse the funds received for the project to the Indiana Department of Natural Resources Lake Michigan Coastal Program (LMCP). The LMCP must also approve any reversionary clauses included in the project.
3. These funds may not be used to improve private property or for other private enterprises (including non-profit property or enterprises).
4. Indirect commercial or private benefits derived from grant projects are allowed if those benefits do not diminish public use and benefits, do not interfere with the purpose of the project, and do not conflict with the requirements of the §306A guidance.
5. Public access facilities funded by the Coastal Grants Program must be open to the general public and compliant with the Americans with Disabilities Act (ADA). Facilities that restrict use to specific persons or residents of a community are not eligible for funding. All land acquisition projects must include a public access plan that demonstrates compliance with the ADA. If the proposed project does not provide for handicapped access, an explanation must be attached to the application.
6. User fees should not be charged to access Coastal Grants Program projects. If user fees are desired, the fee must be described and justified in the "Eligibility Questionnaire" submitted to the LMCP. The LMCP may require additional information on the necessity or reasonableness of a fee and may deny approval of a user fee.

7. Grant funds cannot be awarded to non-profit organizations for construction or land acquisition projects. Public entities may contract with a non-profit organization to perform some or all of the tasks for a project if the non-profit organization is identified in the “Eligibility Questionnaire” and the project meets all requirements. A public entity may enter into a partnership with a non-profit organization to purchase property if grant funds are allocated to the public entity and the public entity retains ownership (title) and control of the property. If a land trust is involved, the land trust may retain an interest in the property consistent with the purpose of conserving coastal resources, e.g., a conservation easement, but not fee simple ownership.

